

CITY COUNCIL MINUTES
June 8, 2015

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, June 8, 2015 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with President H. Dan Adams presiding. The following business was conducted.

These minutes are not intended to be a verbatim transcript. Audiotapes of this meeting are on file in the City Clerk's Office.

President Adams: The Honorable Council of the City Of Evansville is hereby called to order. Madam Clerk, please call the roll.

ROLL CALL:

Present: McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, O'Daniel, Weaver, Adams

Absent: Robinson

President Adams: There being eight (8) members present, one (1) member absent, and eight members representing a quorum, I hereby declare this session of the Common Council officially opened.

PLEDGE OF ALLEGIANCE

President Adams: And we have a rare treat here tonight. Tim Born and his staff have brought the Boy Scout Troop 399 here and I appreciate you guys waiting so patiently. If you would lead us, please, all in the Pledge of Allegiance.

Thank you so much for joining us.

COUNCIL ATTORNEY

Our attorney tonight is Scott Danks.

SERGEANT AT ARMS

Sergeant at Arms is Wild Bill Shirley.

APPROVAL OF MINUTES

Please, is there a motion to approve the minutes of May 18?

Councilwoman Brinkerhoff-Riley: So moved.

Councilman O'Daniel: Second.

President Adams: All those in favor? All those opposed? So ordered.

REPORTS AND COMMUNICATIONS

IN YOUR JUNE 4th PACKET:

- * City Council Meeting Agenda and Committee Meeting Schedule for June 8, 2015
- * Ordinances F-2015-8 and R-2015-19
- * April 2015 Financial Report
- * Area Plan Commission Report and Meeting Minutes dated May 14, 2015
- * Evansville Redevelopment Commission Meeting Minutes for May 8 and May 19, 2015
- * Weights and Measures Monthly Report from April – May 2015
- * Fire Department Owner Notification Procedure

EMAILED MATERIAL:

- * City Council Meeting Minutes for May 18, 2015
- * Resolution C-2015-9 Amended

ON YOUR DESK THIS EVENING:

- * Extended Agenda
- * A Memo of Utility Positions Acquired since 2012
- * Three-Year Historical Data of Homestead Credits for all Indiana Counties

President Adams: Is there a motion to receive, file and make these reports and communications a part of the minutes?

Councilman O'Daniel: So moved.

Councilman Weaver: Second.

President Adams: We have a motion and a second. All those in favor? Opposed? So ordered.

CONSENT AGENDA

FIRST READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2015-17

PUBLIC WORKS

ROBINSON

An Ordinance to Vacate Certain Public Ways or Public Places within the City of Evansville, Indiana, Commonly Known as 806 East Walnut Street, Located at a Part of Canal Street in Ballard's Addition, as per Plat Thereof, Recorded in Plat Book C, Page 212 Located in the Office of the Recorder of Vanderburgh County, Indiana, in the City of Evansville, Indiana, All in the Office of the Recorder of Vanderburgh County, Indiana

ORDINANCE F-2015-8

FINANCE

O'DANIEL, MOSBY

An Ordinance of the Common Council of the City of Evansville Authorizing Transfers of Appropriations, Additional Appropriations and Repeal and Re-appropriations of Funds for Various City Funds

C-1 to C-2

District: Missy Mosby, Ward 2

R-3 to C-2 w/ UDC

District: Connie Robinson, Ward 4

R-1 to C-4 w/ UDC

District: Dan McGinn, Ward 1

R-1 to C-4 w/ UDC

District: Dan McGinn, Ward 1

R-1 & R-3 to R-3

District: Dan McGinn, Ward 1

ORDINANCE R-2015-19**APC****R-1 & C-4 w/ UDC**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana,
More Commonly Known as 2141 E. Riverside Drive

Petitioner: Jose Rivera
Owners: David Hanson
Representative: Jose Rivera
District: Missy Mosby, Ward 2

President Adams: Is there a motion to adopt the Consent Agenda as written?

Councilman Friend: So moved.

Councilwoman Mosby: Second.

President Adams: Thank you. A motion and second. All those in favor? Opposed? So ordered.

CONSENT AGENDA**SECOND READING OF ZONING ORDINANCES****ORDINANCE R-2015-6****APC****C-2 & C-4 to C-3**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana,
More Commonly Known 216 SE 5th St., 212 SE 4th St. and 421 Chestnut St.; 425-433
Walnut St, 201-215 SE 6th St., 200 SE 5th St. and 210 SE 4th St.; and 201 SE 4th St.

Petitioner: Evansville HealthRealty, LLC

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 9 affirmative votes.

ORDINANCE R-2015-7 AMENDED**APC****R-1, R-2, C-1 & C-4 to C-4 w/ UDC**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana,
More Commonly Known as 2605, 2609 and 2621 Covert Avenue

Petitioner: Harold Evans

This petition comes forward with a recommendation for approval with an amended use and development commitment to eliminate commitment 1 A. All C-1, C-2, and C-3 uses, having 9 affirmative votes

ORDINANCE R-2015-8**APC****M-2 to M-1**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana,
More Commonly Known as 120 N. Fulton Avenue, Ste. A

Petitioner: Old Evansville Brewery Development, LLC

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 8 affirmative votes and 1 abstention.

President Adams: Is there a motion to accept the amendment for Ordinance R-2015-7 Amended?

Councilman Friend: So moved.

Councilman Lindsey: Second.

President Adams: A motion and a second. All those in favor? Opposed? So ordered.

Is there a motion to adopt the Consent Agenda Second Reading of Zoning Ordinances and to accept the Area Plan Commission Report?

Councilwoman Mosby: So moved.

Councilman Friend: Second.

President Adams: I have a motion and a second. All those in favor? Opposed? Council now stands at Third Reading of Zoning Ordinances which is the final action.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2015-6

APC

C-2 & C-4 to C-3

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, More Commonly Known 216 SE 5th St., 212 SE 4th St. and 421 Chestnut St.; 425-433 Walnut St, 201-215 SE 6th St., 200 SE 5th St. and 210 SE 4th St.; and 201 SE 4th St.

Petitioner: Evansville HealthRealty, LLC

President Adams: Just so everybody understands, this is the medical school site; the Allied Consortium. Welcome.

DeLucio of City Attorney's Office: Thank you Councilman Adams. My name is Marco DeLucio. I'm here this evening on behalf of Evansville HealthRealty, LLC, one of the petitioners for this rezoning request. As Councilman Adams indicated, this is a request to rezone multiple parcels where the med school is going to be. Some of those parcels right now are zoned C-2, some are zoned C-4, and there's already some that are zoned C-3. This request is to try to make all of the parcels consistent, which will aid in the development of the project. C-3 was picked, essentially, because there are some properties zoned C-3. It allows flexibility for the development. If all these properties are zoned C-3, it allows you to cross some of the lot lines that are already out there right now. The plan commission requested us...the staff did...requested that we proceed in this fashion to aid in the development of the project.

We're here to answer any questions you may have. I would point out that Plan Commission unanimously approved this. With me this evening is Jim Cross from Evansville HealthRealty, LLC. If you have any particular questions I'll...we're happy to try to answer them.

President Adams: Are there any questions from Council on this matter? Any comments from the crowd tonight?

Is there a motion to adopt Ordinance R-2015-6?

Councilman O'Daniel: So moved.

Councilman Lindsey: Second.

President Adams: Okay, we have a motion and a second. Roll call please.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, O'Daniel, Weaver, Adams

Absent: Robinson

President Adams: There being eight (8) Ayes and zero (0) Nays, Ordinance R-2015-6 is hereby declared adopted.

DeLucio of City Attorney's Office: Thank you very much. Have a good evening.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2015-7 AMENDED APC R-1, R-2, C-1 & C-4 to C-4 w/ UDC

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, More Commonly Known as 2605, 2609 and 2621 Covert Avenue

Petitioner: Harold Evans

Steve Bohleber: Good evening ladies and gentlemen, this handsome young man next to me is Harold Evans; he the petitioner in this case and I've communicated with all of you and I think you've had an opportunity to review these, or the Area Commission minutes, but Mr. Evans, for almost four decades now, has been operating Evans Motors on Riverside Drive. He's been successful; it's expanded three times. He's out of space and that section of Riverside Drive, quite frankly, has changed. Its curb appeal is not precisely what it was years ago because of changing demographics and traffic patterns.

This doesn't come as a swift decision by Harold to move to this section of Covert Avenue. He started acquiring these properties 18 years ago and finally got the last piece not too long ago.

So what he's proposing is to gradually move his business from Riverside Drive to this section of Covert and this is basically an entire city block on the south side of Covert between the intersecting road...city streets of Edson and Beckman. While when I was a child, this was a pleasant residential neighborhood that my grandparents actually bought a house in. It's dramatically changed now. In fact, I did a little survey. I think the section of Covert between Boeke and Van there are, to the best of my knowledge, no residences facing Covert any longer. There's one church and practically every other type of retail establishment that you could ask for, from fast-food restaurants to tax services; a variety of things.

So I think this is consistent with the neighborhood. And, you know, a couple of businesses there have opened and closed. I don't think you're going to find that with Mr. Evans because not only has he been doing this for 38 years now...

Harold Evans: *(Off Mic)* Yes.

Steve Bohleber:...his dad, Harold Evans also, likewise operated a car-sales lot and the third generation now, his son, has been involved in business since getting out of school. So long-term business, successful business, expanding, relocating, will hire new employees, will go on for generations to come.

And again, we don't know of any remonstrators. I did have one discussion, as did Mr. Evans, with one of the presidents of the neighborhood association. It comes with a unanimous do-pass recommendation. We'd ask the Council's support to rezone. Again, we're rezoning sort of a mosaic, like Mr. DeLucio mentioned, of rezonings into one C-4 and we're limiting to this use only. He's going to be selling cars, trucks, motorcycles; that's it.

Councilman Friend: Let's see, is this in your ward? It's your ward, isn't it?

Councilwoman Mosby: Yes, yeah, it's in my ward. I've had conversations with Southeast Neighborhood Association that encompasses this area. No remonstrators. Everyone seems very pleased with what you're wanting to do there. I spoke with several other constituents in that area and it's my understanding, you know, we're welcoming you there and look forward to you having a great business.

Steve Bohleber: Despite his reputation being about the same as lawyers.

Councilwoman Mosby: Oh we...

Steve Bohleber: Car salesmen and lawyers; everybody seems to like this guy.

Councilwoman Mosby: I tell you what, I've heard great things about you so very...we're very excited for that area to be developed there and, you know, hopefully it passes and we wish you great luck.

Harold Evans: *(Off Mic)* Thank you.

President Adams: Any other comments from...

Councilman O'Daniel: Just a question. I see, I guess that house or the...what was a house, is going to be your office.

Steve Bohleber: Uh-hm.

Councilman O'Daniel: You're not going to have this nice big thing like Andrew's has down at the corner huh?

Harold Evans: *(Off Mic)* No, but it's going to look nice.

Councilman O'Daniel: Fair enough.

Steve Bohleber: It's going to be...it's going to be remodeled into an aesthetically pleasing commercial office.

Harold Evans: *(Off Mic)* I have did this already on the place on Riverside.

Councilman O'Daniel: Sure.

Harold Evans: *(Off Mic)* So it'll be under...about the same pattern as what we did there.

Councilman O'Daniel: Okay.

President Adams: Any other comments from City Council? Any discussion from the crowd on this matter? Great.

Please, is there a motion?

Councilwoman Mosby: So moved.

Councilman Weaver: Second.

President Adams: We have a motion and a second. Please do the roll call.

Comment made prior to casting her vote:

Councilwoman Mosby: We welcome you.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, O'Daniel, Weaver, Adams

Absent: Robinson

President Adams: There being eight (8) Ayes and zero (0) Nays, Ordinance R-2015-7 Amended is thereby declared adopted.

Steve Bohleber: Thank you and have a great evening folks.

Harold Evans: *(Off Mic)* Thanks.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2015-8

APC

M-2 to M-1

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, More Commonly Known as 120 N. Fulton Avenue, Ste. A

Petitioner: Old Evansville Brewery Development, LLC

Mike Schopmeyer: Good evening, Mike Schopmeyer here on behalf of the Old Brewery. This is the former Sterling Brewery site. With me is Jack Rogers; also is Jim Morley Jr. to answer any questions you may have.

This is a zoning, a down-zoning, from M-2 to M-1 to allow for a commercial office use of this building. This is the four-story, what used to be known as the bottling plant.

We'll be happy to answer any questions. This came with a unanimous do-pass from the Area Plan Commission.

President Adams: Any comments from City Council.

Councilman McGinn: Jack, I'm just thrilled you're cleaning up this section of the city. Thank you.

Mike Schopmeyer: It's very nice.

Jack Rogers: Well thank you. I appreciate those of you who had an opportunity to stop by and look at what we're doing. I invite anybody that hasn't visited yet to stop over and we'd proudly show you what we've got there.

President Adams: Any other comment?

I want to thank you for what you're doing across the street too. That seemed to have worked out remarkably well.

Any comments from the crowd? I'll entertain a motion.

Councilwoman Mosby: So moved.

President Adams: Second?

Councilman Lindsey: Second.

President Adams: We have a motion and a second.

Oh I'm sorry; excuse me. You've got to put it higher please.

Thank you Jim.

Brenda Bergwitz: Brenda Bergwitz on Orchard Road out in the county. My husband John worked at Sterling Brewery for 28 years and just want to thank you for what you're doing. God bless you.

President Adams: Great.

Jack Rogers: *(Off Mic)* Thanks.

President Adams: Thank you so much.

We have a motion and a second. Roll call please.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, O'Daniel, Weaver, Adams

Absent: Robinson

President Adams: There being eight (8) Ayes and zero (0) Nays, Ordinance R-2015-8 is hereby declared adopted.

Jack Rogers: Thank you.

CONSENT AGENDA

SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2015-13

FINANCE

O'DANIEL

An Ordinance to Amend the Sewer Tap-In and Connection Charges for the City of Evansville, Indiana

ORDINANCE F-2015-7

FINANCE

O'DANIEL

An Ordinance of the Common Council of the City of Evansville Authorizing Transfers of Appropriations, Additional Appropriations and Repeal and Re-Appropriation of Funds for Various City Funds

COMMITTEE REPORTS:

FINANCE COMMITTEE:

CHAIRMAN O'DANIEL

Chairman O'Daniel: Mister President, your Finance Committee met this evening to hear ***Ordinances G-2015-13 and F-2015-7.*** Both come forward with do-pass recommendations.

The other Resolution, C-2015-9 Amended, will be heard on the 22nd of this month.

President Adams: Is there a motion to adopt the Committee Reports and move the Ordinances to a Third Reading?

Councilwoman Mosby: So moved.

Councilman O'Daniel: Second.

President Adams: We have a motion and a second. All those in favor? Opposed? So moved.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2015-13

FINANCE

O'DANIEL

An Ordinance to Amend the Sewer Tap-In and Connection Charges for the City of Evansville, Indiana

President Adams: Any further comment from anyone? Any further comment from our crowd? Okay.

Is there a motion to adopt Ordinance G-2015-13?

Councilman O'Daniel: So moved.

Councilman Weaver: Second.

President Adams: We have a motion and a second. Roll call please.

Comments made prior to casting their respective votes:

Councilwoman Brinkerhoff-Riley: I just would like to see EPA plan finalized and have an idea where we're going before we increase fees in anticipation of that and I vote no.

Councilman Friend: I go along with what Stephanie is saying. I guess the...I understand about the fees but I what I've got...the...we've...even though the Council voted for the...some of these salary increases; I get all that what increased over there to a two-point...to the tune of 1.2 million but \$325,000 relates to accounting positions in that department. Umbaugh has been paid \$580,000. We had an advance of 2.5 million to the City at the end of the year on cash balances.

So until I get a little bit more data as it relates to the EPA and whatever else, I would have to say no.

Councilman Lindsey: I have to agree with Councilman Friend plus the fact that there's 21 new employees I've seen here; most of 'em are administrative and every time you raise a fee, you raise the price of a house; cost more to build. I don't think, you know, just because Newburgh does something I don't think we should follow suit. I vote no.

Councilman O'Daniel: I actually get what Stephanie's saying, however, I would encourage the Water & Sewer Department, the Utility in general to find additional cost savings within its departments. Obviously I think...I don't know what the ultimate vote on this is going to be but the idea of continuing to raise and raise and raise rates and/or fees to either fund operations or capacity increases. That distinction gets lost on rate payers. They just look at it say, "Here we go again, we're spending more on our utility", and sometimes we don't necessarily see the efficiencies that are gained from that or lack of spending for that matter so this is something that has the blessing of the builders and they pretty much know their market better than anybody as relates whether it's going to be of a detrimental effect to construction, which is ultimately who's going to bear this, and so I'll defer to them and since they're in favor of it so am I so I vote aye.

President Adams: I vote aye and John, are you voting for or against it? I couldn't pick that up.

Councilman Friend: *(Off Mic) (Inaudible)* against.

President Adams: Huh?

ROLL CALL

Ayes: McGinn, Mosby, O'Daniel, Weaver, Adams

Nays: Brinkerhoff-Riley, Friend, Lindsey

Absent: Robinson

President Adams: Okay, there being five (5) ayes and three (3) nays, Ordinance G-2015-13 is hereby declared adopted.

I'm sorry you...at the end of it, I couldn't quite hear you.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE F-2015-7

FINANCE

O'DANIEL

An Ordinance of the Common Council of the City of Evansville Authorizing Transfers of Appropriations, Additional Appropriations and Repeal and Re-Appropriation of Funds for Various City Funds

President Adams: Is there a motion to adopt Ordinance F-2015-7?

Councilman Weaver: So moved.

Councilman O'Daniel: Second.

President Adams: Well we have a motion and a second. Roll call please.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, O'Daniel, Weaver, Adams

Absent: Robinson

President Adams: There being eight (8) Ayes and zero (0) Nays, Ordinance F-2015-7 is hereby declared adopted.

MISCELLANEOUS BUSINESS

The next meeting of the Common Council will be Monday, June 22, 2015 at 5:30 p.m. Committee meetings will begin at 5:10 p.m. so we can add that tabled discussion.

Board & Commission Appointment:

Commission on the Social Status of African American Males.

You've all had a chance to look at Dave Ballard's résumé and I will entertain a motion to accept the City Council appoint of this gentleman to the Commission on the Social Status of African American Males.

Councilman Weaver: So moved.

Councilwoman Mosby: Second.

President Adams: We have a motion and a second. All those in favor? Opposed. So moved.

1) Appointee: David Ballard

Fill the Balance 6/8/2015 - 12/31/2015

Fire Department Notification Procedures Update

President Adams: Chief Connelly, would you can to join us tonight and talk about notification of those people who have a fire. Thank you for coming.

EFD Chief Connelly: Thank you Council President, members of Council. Fire Chief Mike Connelly.

What we did was first of all I delegated the responsibility to Battalion Chief Dan Grimm to coordinate with relevant response agencies to come up with a more detailed process of property owner notification in the of fire so he'll make the presentation now.

EFD Battalion Chief Grim: Good evening Councilmembers, President.

To give you just a little bit of review, we had a fire at a residence. It was actually a garage where there was no residence and the young lady that was purchasing on contract wasn't notified that she had an emergency and that's what brought all this up to our situation.

I did a lot of research, interviewed a lot of chiefs, former chiefs, past chiefs, investigators of all ranks and actually I found some amazing things doing the research. We are actually doing pretty good. Over a span of nearly 100,000 runs, nobody's ever recalled this ever being an issue before so what we want to do is try to fill that little bitty crack that we've got that we talked about earlier.

In doing so, I made a list, and all of you should have a copy of it, called Owner Notification Procedure and I actually drew like a flow chart. Doesn't look like any flow charts like anybody's probably ever seen because when you get to the "Satisfied" line, you're done. We don't need to go anywhere else. That means we have the information and I did want to say this really wasn't a lack of contact on the person, as we didn't have the information to contact at that time. We actually interviewed the neighbors, which is...that's usually where we get our information. If the homeowner isn't there, I mean leave for any emergency and this just isn't a fire, then we contact neighbors and usually

we get information on residents, phone numbers, things like that. We did talk to the neighbor at that time but he didn't offer any phone number so that's kind of what put us at a standstill also.

As you can read down through it, everyone can read so I won't read it to you. As a flow chart, we actually put in order what we do, and actually we do 90% of this already. We just didn't have it in the written form. We just didn't have it in a document that we could look at. This document is also being given to all the chief officers that make the runs; it's also been given to all the investigators and the investigator supervisor so we're all working off the same page.

You will notice Item #7 under At Emergency Scene and I gave you guys a picture of one. This is a bumper sticker that we've actually been using since 2003 so we do have something available. We run out from time to time and so I don't know whether we out of the time but I do know we've ordered some with the new 812 area code on them so that seems to be a big thing so that we can make contact.

I do want to show you some other considerations. We did talk to other agencies: Dispatch, Sheriff's Department, Police Department, and they are absolutely willing to help if they have the manpower and they don't have other emergencies that may take possible precedence.

Does anybody have any questions about our procedure or the work that I did?

President Adams: Any comment from Council?

Councilman O'Daniel: I just...I appreciate the efforts that go into this. Is...I mean obviously the follow-up and those sort of things...I think her concern she didn't get notified within, I don't know, 36 hours or roughly...

EFD Battalion Chief Grim: Yeah, it was late during the next day.

Councilman O'Daniel: And so as a result some of her belongings may have grown legs and walked out but it's the expediency upon which to notify. You know, obviously you have in here letters and stuff like that but do you have a time frame or just...I don't know if it says here to...

EFD Battalion Chief Grim: We looked at that and that would be near impossible

Speaking Simultaneously

Councilman O'Daniel: For...just for increased police runs in the area just to make sure if it can't otherwise be secured.

EFD Battalion Chief Grim: Sure, we can make that request to dispatch, there again, as long as they don't have units out doing something else, chasing bank robbers, whatever. Dispatch has been very cooperative in offering suggestions on how they can help us with this as has Police Chief Billy Bolin and Sheriff Dave Wedding.

President Adams: All set? Thank you so much. Really appreciate it.

EFD Battalion Chief Grim: Thank you for your time.

EFD Chief Connelly: Thank you.

Gang Activity on Line Street

President Adams: Okay, Mr. Fred Cook is going to talk to us. There's been quite a number of incidents down on Line Street in the past four or five months. My friend Fred lives on Line Street.

Fred Cook: *(Off Mic)* Right, right. Thank you for allowing me here today and...

President Adams: Pull that...pull that thing towards you a little bit so...yeah, that's great.

Fred Cook: Alright, can you hear me now? Okay.

President Adams: Yeah, that's great.

Fred Cook: Alright.

President Adams: I just want to make sure it's recorded.

Fred Cook: My name's Fred Cook. I'm the chairman of the Coalition of Inner-City Neighborhoods and the president of CCIA Neighborhood Association and I'm here because of the gang violence that we've been having on Line Street.

We have tried to use all different kind of tools to eradicate this one family that's causing the problems and it doesn't seem to work. We've had the Guardian out twice. It was effective until they found out that Guardian had been broken into and it was a decoy so we can't rely on that anymore. So we're requesting that the City Council set aside some kind of funding to have a camera put on the intersection of Chandler and Line Street. I know it can't be focused on one designated house because you have to have a warrant for that but if it could take up a certain circumference of that area because of all the stuff that's going on.

The latest incident was this past Thursday at 2:00 a.m. in the morning when a car was blown up in front of this residence. There've been shootings, House of Bread and Peace, just some of everything. This one family that's causing all of these problems and we can't use the Good Neighbor Ordinance for the simple reason this is a home-owner. And I just feel like if the City can appropriate a hundred and some forty thousand dollars for curbside appeal by placing lighting on First Street that we should be able to get cameras in the inner-city to protect our safety and reestablish the tranquility and serenity of CCIA Neighborhood Association.

President Adams: Any comments? Any questions?

Councilman O'Daniel: Well, just briefly, we can't add to the budget so that ask has to come through the Administration and then come through a finance ordinance to us. We can't just say we want to do it and it gets done.

Fred Cook: Well so, in other words, it says that our tranquility and our lives doesn't matter? Our safety?

Councilman O'Daniel: It...the way the budget process works, and the money, we can say no. We can cut what a budget. There's nothing in the budget right now, right? This is something that's not been appropriated and so there's nothing before us to either add to or...well, to cut or to accept. That has to be brought about by the Administration, who would need to find the funding through whatever sources and then ask whether or not we would approve it.

Fred Cook: Okay, so we need to take the same steps that they did on First Street to get illumination and curbside appeal to get a camera in the inner-city that might keep some young person from getting killed?

Councilman O'Daniel: Unfortunately.

Councilwoman Brinkerhoff-Riley: Well no, we can help you Fred.

President Adams: Let me make a suggestion here. Does the Administration want to make any comment...Steve?

Chief of Staff Schaefer: *(Off Mic) (Inaudible)*

President Adams: I apologize. I should have notified Chief Bolin.

Chief of Staff Schaefer: *(Off Mic)* Well, Jason...

President Adams: Oh, he's got a rep. I apologize.

Councilwoman Mosby: Yeah Jason...Jason Cullum's here.

Councilman O'Daniel: It's not that I'm...I'm not...

President Adams: I think I did notify Chief Bolin as a matter of fact. I didn't see you way in the back. I apologize.

EPD Officer Cullum: Hello. Jason Cullum with the Evansville Police Department.

We understand Fred's concerns. He is correct; there is a specific house on Line Street that has been targeted numerous times. It is one of three in a very small geographical area that is associated with a specific criminal gang. When that gang started their activity in Evansville they basically went after several of the other established gangs, which has made them the target of multiple groups of other gang members. The house that he's speaking about in his neighborhood has enough bullet holes in the front that when we respond to the most recent activity we're not sure which holes are new and which ones have been there.

The idea of cameras is utilized in other cities. I understand Councilman O'Daniel's point that it has to come through a specific process; not that it doesn't matter but that's something that we can work with. We've been friends for almost seven years now.

Fred Cook: Right.

EPD Officer Cullum: It's a long time; we're getting old.

Fred Cook: Yes.

EPD Officer Cullum: But we can talk about that process as well. But there are things that we're doing now in lieu of that to address the gang issues; something that we brought to light about three years ago. We have created a gang unit that started with two officers. We now have several more; we've expanded that. We have officers that work in Motor Patrol. They're a part of the Gang Taskforce that they're performing normal duties on a regular basis however they are a very good resource for the other officers when it comes to who's involved in what activity.

Guns are a big part of this. That's the biggest issue that is causing the chaos in the neighborhoods and we have really upped our efforts to remove guns from the street. In 2012 we took 245 guns off the streets of Evansville that were either being illegally possessed or actually used in the commission of a crime. That averaged one gun every

35 hours for the year. In 2013, we took 276 guns which was a gun every 32 hours. In 2014 we were at 287 guns which was a gun every 30 hours. For 2015 we are at about 175 guns for the year and the recovery rate right now is one every 22 hours. So, on average, more...almost once a day officers like Officer Shirley are putting themselves in danger to get these guns off the streets and out of the hands of the bad guys.

The gang unit does a lot of intel that gets shared that leads to increases like that so we know who we're dealing with. What may start as a routine traffic stop for a license plate violation results in the recovery of these illegal guns and gets the criminals off the street.

Despite the surge in criminal activity we know through our research and our arrests that we only have about 100 regularly active gang members in Evansville that are out doing violent crime on behalf of their gang. Those crimes including the shootings, the robberies, and a lot of their crime, revolve around the drug trade.

A lot of these individuals we deal with on a regular basis. We have them identified. We know who they are. When we had the shooting during pick-up basketball game at C.K. Newsome Center we arrested four people during that investigation and between the four they had over 75 arrests between them. That's astronomical.

There's about 12 gangs that are active at any given time. That changes a little bit because today's gang culture is very fluid. You don't have just one or two that stay loyal til the end. They move around based on what's going on at the time. Each gang has about 12 people in it that are actively doing crime on behalf of the gangs; that are coming out into neighborhoods like Mr. Cook's and shooting at each other, doing the robberies, doing the drug dealing. There's a lot of people that associate with them that'll show up when they're out in the neighborhoods hanging out, they'll show up in on their...in pictures and stuff like that but they're not actively committing these crimes so we really have a limited number.

This year we've had about 50 incidents that our patrol guys feel are associated with some type of gang activity. Some of those resulted in arrest, some of 'em are just the "shots fired" calls. When we make a run on Line Street, we know that that activity is gang related. Whether we actually make an arrest or not it gets documented as that. Since 2011 we've had over 400 incidents that we documented as being tied in to gang activity at some level be it drug dealing or the actual "shots fired" or some of our actual shootings.

Again, we see the same people over and over, which is very frustrating for the officers. Today's victim could be tomorrow's suspect. When we don't get cooperation...we had a shooting over the weekend where two people were walking together; one of 'em was

shot twice. Neither one 'em wanted to tell us anything. That's...that night's victim; it could be next weekends' suspect.

Some of these folks are pretty good at manipulating the system which allows them to continue with their activity. We have a gentleman that was the victim in a gang shooting. He is now incarcerated as a suspect in a different shooting and he has been telling everybody that he is going to use his Victim Assistance Funds to pay for his defense attorney, so it's a manipulation of the system that allows some of this stuff to continue.

With the surveillance cameras, it is a tool that is utilized. When we put the Guardian on the street we put surveillance cameras out. We had some questions about what the long-term impact is when the Guardian's parked somewhere. One of the big criticisms we received is all it does is make criminals relocate, and it will make them relocate, and when the Guardian moves they make come back. But what the Guardian and any types of programs that we implement do is it tells potential criminals that somebody on that block cares.

There is a Fred Cook in a lot of different neighborhoods that are willing to pick up the phone; their own safety out the window. They don't care; they want it to stop and they will call 911. The criminals know that the Guardian doesn't have a policeman in it but they also know that it doesn't show up unless somebody calls and asks for it and that's what it's doing so we're happy with the results we've seen with that.

We are frustrated by the neighborhoods like Line Street that continue to see some of the same problems but we will continue to put forth the effort that we have put forth to continue to see increase in the arrests and the gun charges that we've done over the last few years with the hopes of restoring that peace and tranquility that Mr. Cook talked about. We have a great relationship with a lot of people. Me and Fred usually hug but this is an official place we didn't know if we're supposed to. Those partnerships are crucial to this long-term battle. You don't see the numbers that we're seeing now as far as the arrests and drug seizure because we don't have partners in the community that are giving us the information that we need to make those arrests.

So I'll be more than happy to meet with Mr. Cook, talk about the budget proceedings, how that goes forward, if that's something that we can work with him as a police department and at least get it to where it's in the correct format and the correct process and then we can go forward from there. If it's not something that can be worked out, we will continue to do the stuff that we're doing for his neighborhood, and all the neighborhoods, with the same goal in mind.

Councilwoman Mosby: I have one question. You know, I know the Guardian is a great tool. Our neighborhood associations up in the Second Ward just absolutely love it and I apologize for what you're going through over there. That's...I know it's just very unsettling to be living in a situation like that. Would the ShotSpotter be something that would help that? I know Mr. Cook's there's been a lot of shots fired, a lot of bullet holes, things like that. Could that...

EPD Officer Cullum: It could and when we first presented ShotSpotter it was always just one piece of the puzzle. It's a big piece and there's a big cost to it and we knew going into it that that would be an issue that we would have to overcome. Unfortunately we were not able to get that, but as the numbers show, the effort being put forth by the officers on the street has not decreased. It was disappointing but not disheartening to the point where we quit. Any tool that's available can help and that would have been one of 'em and without it we're still able to go out there and do the best that we can.

We have worked hard to improve our community relations. One of the comments that was made during our request for ShotSpotter is, "Can you get more community cooperation to get that information to get those phone calls?" We've done a lot of stuff with the community that we think has improved in that. Last week the Evansville Police Department was featured in the Department of Justice Community Oriented Policing newsletter that went out nationwide. They featured two departments in the country; Evansville was one and they talked specifically about the Dust Bowl. We partnered with Mr. Burton back there and Courtney Johnson last year to bring the Dust Bowl back. Every knows the backstory with the Dust Bowl but it's those efforts that are also helping build the partnerships and to overcome some of the technology shortfalls or some of the things that we would like that we don't have and we will continue with those efforts as well.

Councilwoman Mosby: Thank you very much.

President Adams: If I understand you correctly, you already have some surveillance cameras in place.

EPD Officer Cullum: We have the Guardian program where two old Brink's trucks that have surveillance systems in 'em. We don't officers sitting in there but we do have the ability to monitor those cameras in real time...

President Adams: Right.

EPD Officer Cullum:...from different devices. The only other system we have in town is at Dress Plaza and those were installed last year by the Department of Homeland

Security through a program they have because that's considered a port. The Evansville Police Department has access to those but that equipment was not purchased...

President Adams: It's considered a fort?

EPD Officer Cullum: A port.

President Adams: A port? Okay.

EPD Officer Cullum: Not a lot of people dock there. I don't know how...they got that designation and they said, "Hey, we're going to put these in".

President Adams: Okay.

EPD Officer Cullum: We have access to them. Dress Plaza is a social hangout for young people today. We have had a few issues come up there where it would be nice to have that available but that was something that we did not have to come to the City and request. We're just talking advantage of the opportunity to use it.

Fred Cook: *(Off Mic)* Martin Luther King...can we put cameras on Martin Luther King?

EPD Officer Cullum: We don't have any other camera set up. There's some equipment...I think sometimes people get confused that's either surveillance cameras or red-light cameras. I believe it's associated with the WIFI network. There's some boxes up on some of the traffic control lights but that's it. That's not something that we can actually monitor or have access to.

Fred Cook: *(Off Mic)* Well I'm going to be working with...closely with Jason because, like I said, we...he and I have been friends for a long time.

President Adams: Why don't you give us a short summary about the neighborhood association you had at Mt. Olive Baptist Church.

Fred Cook: *(Off Mic)* Yes, you mean the meeting dates and stuff or what?

President Adams: Well I'm talking about the children's court judge came and...

Fred Cook: Oh yeah, we had a...

President Adams: I thought that was fascinating.

Fred Cook: Yeah, we had Judge Brett Niemeier there. We've had Nick Hermann there. We've had a gentleman, Mr. Hall, from the Vanderburgh County Parole Department there. Next month Jim Tomes, Indiana State Senator Jim Tomes, is going to be at our meeting.

We try to have a speaker every month. You know I think a lot of neighbors don't actually know a lot about city government and I think if they became more aware they would be more willing to participate. You know a...

President Adams: Well I think the point I was trying to make that Judge Niemeier said that if you are able to speak up and identify these people...

Fred Cook: *(Off Mic)* Oh yes!

President Adams:...and they get in front him he will be...

Fred Cook: *(Off Mic)* Yes, yes. That's one of the problems.

President Adams: He will react very appropriately, especially if they have...if there's a gun involved in the whole thing.

Fred Cook: *(Off Mic)* Yes.

EPD Officer Cullum: Last year, I can actually address that a little bit, last year juveniles 17 and under, we arrested 25 juveniles that were possessing guns, which obviously under 18 you're not allowed to. This year we're at 11 so we're about halfway through the year. We're not quite halfway to that number but we are seeing younger offenders with the judicial system addressing those issues and recognizing the fact that even in little Evansville we're seeing some of those trends that the offenders are younger...

Councilwoman Brinkerhoff-Riley: Kelley, don't leave.

EPD Officer Cullum:...and their crimes are more violent.

Councilwoman Brinkerhoff-Riley: I want to ask...

EPD Officer Cullum: That is helping as well so we're hoping...

Councilman O'Daniel: Are you happy with the response of the Police Department to your concerns?

Fred Cook: *(Off Mic)* Yes, I know if I call on him...and then we got a real good CPO, Nick Sandullo, and so usually when I call I give my name because if I see I'm going to tell. They can call me 5 0 or whatever but I've got great-grandkids and anytime your kids can't play out in the yard because bullets don't have names and eyes, you know, and I've made it very clear because one...the night that you all were there, all of those gang members came in and sat on the back row. I guess they felt like they were intimidating us, you know, but a...

Councilman O'Daniel: So if you see something you can call and I suspect that you'll...

Fred Cook: *(Off Mic)* Oh yeah, I'm going to *(Inaudible)*, you know...

Councilman O'Daniel:...have a dispatch out immediately.

Fred Cook: *(Off Mic)* Our neighbors over there, we look out. There's some that's not going to tell; they don't want to get involved. They are afraid but I look at this...can't nobody do no more to me than I can do to them. That's the way I look and I know Indiana does have a Stand Your Ground law so if somebody run up on me, I'm handicapped, I can't chase 'em. You know, I can't get up and chase 'em but the best thing I can do is shoot.

Councilman O'Daniel: Let's...let's not encourage that.

EPD Officer Cullum: Yeah, what's nice with the relationship, especially with folks that are as active as Fred is, is emergency stuff; he knows he can call 911. He's not worried about somebody coming to house and messing with him. He's ready to deal with that. But he also knows long-term that we have our crime prevention guys in place. He's...I used to be over that unit, 3½ years ago. We still have the same level of relationship so if it's something long-term or he sees me out and about he's quick to tell me about things that are going on and that's the type of stuff that we need.

The technology is nice and there are times where it's appropriate but if you don't have this, that stuff's not going to solve your problems long-term and I'm just one of many. Officer Shirley's worked the Center City for a number of years. His wife's a police officer, she's worked the streets here. They're all out for the same goal and that's to make the neighborhoods nice for everybody and we are doing a good job of identifying the problems. This problem took a while to build up; it's going to take a little bit of time to get squashed too but we're doing a pretty good job.

Councilwoman Brinkerhoff-Riley: I have a question. Fred, how did you...the lighting issue...is your lighting issue that your tree-cover has grown to block it...

Fred Cook: *(Off Mic)* No.

Councilwoman Brinkerhoff-Riley:...or you don't have enough of it?

Fred Cook: *(Off Mic)* We don't have enough illumination over there.

Councilwoman Brinkerhoff-Riley: How did you come to a price range? This is where I want Kelley to answer a question.

Fred Cook: Well I had called...I called Kelley about this and I called the Police Department about it and everybody directed me to somebody else and I even called ADT and some of the other security systems and they said...they told me you had to have it on a house and it had to be wired to somebody's house, that they just couldn't put none out into a neighborhood...

Councilwoman Brinkerhoff-Riley: Well I mean Vectren would up a light. I'm just curious as to A) Sort of what lighting is possible and whether they...are they in a census track that allows any Community Block Grant funds.

Multiple Speakers: *(Off Mic) (Inaudible)*

Councilman O'Daniel: Well I think there's...Stephanie, there's also things, you know, just in my job and yours...

Councilwoman Brinkerhoff-Riley: Well can't...I mean incremental steps. I mean I think lighting might help. I mean if lighting's an issue.

Fred Cook: *(Off Mic)* Over there they would probably shoot 'em.

Councilman O'Daniel: Yeah but there are other...

Fred Cook: *(Off Mic)* They shot the cable boxes out, you know, and...

Councilwoman Brinkerhoff-Riley: Well I thought initially when you came forward you wanted to know about lighting like they had gotten in the historic...

Fred Cook: *(Off Mic)* No, I was comparing the price to operating the camera to how much it cost to put lighting into the preservation area down there.

Speaking Simultaneously

DMD Executive Director Coures: *(Off Mic) (Inaudible)*

Councilman O'Daniel: A comparison.

Fred Cook: *(Off Mic)* That was a comparison.

Speaking Simultaneously

Councilman O'Daniel: It was a comparison.

Fred Cook: *(Off Mic)* You know, I felt like what is that saving? All that is adding to is curbside appeal down there, \$140,000 or whatever it took to fix those lights down there...

Speaking Simultaneously

Councilman O'Daniel: Well, and the thing is...Fred...

Fred Cook:...where in our area, if you was to place a camera up there, that would be the possibility of saving someone's life. This young lady right here, she's our secretary and she keeps me informed on what's going on and I've told her, "When you see something tell it". I got on her last week because she witnessed a shooting and did not tell it.

Cynthia Bennett: Wasn't nobody came to me. My name Cynthia Bennett and I live on...actually on the corner of Line and Chandler, across from House of Bread and Peace.

But as far as lighting, we definitely need lighting because there's a street light, the light is shot out. It's very dull on Line Street.

Councilwoman Brinkerhoff-Riley: Yeah, well we can get that...that's easy. We can fix that.

Cynthia Bennett: Great, that would be great. But as far as the shooting, yes, I kind of witnessed...they didn't realized I was sitting on the porch. Lot of the kids I know because they go to my school. I work at an alternative school, AIS, so a lot of the kids that is in those type of gangs, I know them. So I...when they see me, they're, you know, they tend to stay away.

But the thing is we're having a problem. I've been there 22 years and never ever have we had this type of problem that we have now but something has to be done.

Councilwoman Brinkerhoff-Riley: Well the lighting is simple enough.

Cynthia Bennett: If we can get lighting, I'm happy with that piece.

Councilwoman Brinkerhoff-Riley: Well, in incremental...I'm not trying to tell you that lighting is your sol...

Cynthia Bennett: No.

Councilwoman Brinkerhoff-Riley:...is your complete solution but it's better than a sharp stick in the eye.

There's a number on each pole. There's a number. Sometimes it starts with a letter. And Fred has my contact information. If you will get me the number that's on that pole then that's typically the way that we report it to Vectren in terms of a light bulb being out or a lens cover being too dirty or frankly I guess shot out but all of those poles are numbered. That's in...they're plotted on a grid and so anytime you've got a light that's burned out, you, know, if you can...and it's usually five feet up but there should be a number on that pole. The aluminum poles are little bit different. When I run into one of those I just put the street, intersection, or wherever it's at and I can...and I email it over to them but they've got a pretty good turn-around time. You'll be surprised at how many people just don't report a light that's out.

Cynthia Bennett: Right, but I do want to say to the Evansville Police Department: I have seen them constantly up and down my street so I know they've been there so I want to give you all kudos for that and I appreciate that. Please continue to do so. So I do want to say thank you to you all for that so...

President Adams: Does Vectren have a bullet-proof glass cover for these lights?

Fred Cook: *(Off Mic)* I doubt it.

President Adams: No, I'm serious. I'm serious.

Councilwoman Brinkerhoff-Riley: I mean part of it is that we want to...it's the same thing with...you call, somebody calls the Guardian, when we put the light back up I mean it's that indication to the neighbors that we care that we're engaged.

Unidentified Speaker: *(Off Mic)* Right.

Councilwoman Brinkerhoff-Riley: I mean on the lighting aspect. And the other thing, and I can come over there, because Connie's not here, but did an audit of Jacobsville; same thing, we just went out at dusk and went up and down the street. I was amazed at just the number of lens covers that were dulling the light, lights that were out or where trees are casting shadows and blocking. Now you might have a lot of those issues. We had a good number of 'em in Jacobsville and then all of that was reported to Vectren. And we can...the City, to a certain extent, when the tree is in the easement, we can trim the trees.

Okay, I'm sorry. You can leave.

DMD Executive Director Coures: *(Off Mic)* May I leave now? Thank you so much.

Fred Cook: A lot of our problems was during that ice storm a few years back a lot of the poles broke that had lights on 'em. When they replaced those poles, they didn't put the lights back 'em so that's one of the problems.

Speaking Simultaneously

Councilwoman Brinkerhoff-Riley: We can help you with those issues and those are simple enough because we can partner with Vectren to do that.

Fred Cook: Right, right. Okay. Thank you Dr. Adams. Thank you all for allowing me to be here.

President Adams: Thank you for coming Fred.

Fred Cook: *(Off Mic)* And now I can go home and eat *(Inaudible)*.

President Adams: Anyone else on Council have anything they would like to talk about tonight? Anyone else in the audience that would like to come? Yes. Name and address sir.

Alex Burton: Alex Burton, 1424 Brookside.

I wasn't going to say anything about it but since Mr. Cook and Jason Cullum were up here, the Dust Bowl will be held June 15th through the 20th at Bellemeade Park and tomorrow night we'll also be having a rally just kind of bring attention to all the violence and things that are going on. That will start at the corner of Washington and Kentucky and will proceed down Garvin and end at Bellemeade Park with a vigil with some balloons of all the victims of violence; just bringing attention to the entire city.

President Adams: Alex, will you tell the TV crowd...define the Dust Bowl?

Alex Burton: Oh, okay, I'm sorry. The Dust Bowl has been a basketball tournament that has been going on here in the Evansville Area for quite a while; since before I was born. In 2010 there was a shooting where, in the midst of the basketball games going on, a man was shot and killed on the playground as basketball games were going on with kids and people of all ages. I was in college at the time, playing as the shots were actually fired.

And then myself and Courtney Johnson, one of my good friends who played basketball with me in high school, we came together and brought the...decided to bring the Dust Bowl back and it took is two or three years to actually get it back and in 2014 Chief Bolin and the Police Department rallied with us and we were able to bring it back so this year

we're bringing it back for its second year back from the...yeah, second year back, partnering with the Police Department.

President Adams: Terrific.

Alex Burton: Thank you.

President Adams: Thank you. Any other comments from the crowd tonight?

I'd just like to make heads-up that if you have time take a little drive by the Jacobsville Park. It's on the corner of Maryland and Baker. A young man who's a junior; he wants to be an engineer, named Dane Hancock. This has been his Eagle Scout project. He's taken it...I think about two years to years to get it done. It's in the...it's almost done. It's absolutely beautiful. I've asked him to come and give us a short Power Point when it's done and so forth. But if you have time, Maryland and Baker is worthwhile.

Committee Reports; Chairman O'Daniel.

COMMITTEE MEETING SCHEDULE FOR JUNE 22, 2015

FINANCE COMMITTEE:

Re: **Resolution C-2015-9**
Amended

Time: 5:10 p.m.

Notify: Marco DeLucio

CHAIRMAN CONOR O'DANIEL

Approving and Ordinance of the Vanderburgh County Income Tax Council Establishing the Percentage Credit Allowed for Homesteads for 2016 and Casting the Votes of the Common Council on Said Ordinance

Re: **Ordinance F-2015-8**

Time: 5:20 p.m.

Notify: Ted Ziemer

Authorizing Transfer of Appropriations, Additional Appropriations and Repeal and Re-appropriations of Funds for Various City Funds

PUBLIC WORKS COMMITTEE:

Re: **Ordinance G-2015-17**

Notify: Ted Ziemer

Time: 5:25 p.m.

Notify: Cory Kuhlenschmidt,
Bamberger, Foreman,
Oswald & Hahn, LLP

CHAIRMAN AL LINDSEY

Vacate Certain Public Ways or Public Places within the City of Evansville, Indiana Commonly as 806 East Walnut Street, Located at a Part of Canal Street in Ballard's Addition

A.S.D. COMMITTEE

No meetings scheduled at this time for A.S.D.

CHAIRWOMAN STEPHANIE BRINKERHOFF-RILEY

A.S.D Chair Brinkerhoff-Riley: Yes Mr. President and this body requested and received \$20,000 to put into that Jacobsville Park to lie...pour the concrete and create the foundation for some of that playground equipment so we all took a part in that. We have nothing scheduled at this time for A.S.D.

President Adams: Okay.

Councilman O'Daniel: Doc, I have one thing.

President Adams: Go for it.

Councilman O'Daniel: Miscellaneous business. As we all know, there was a decision made by the local court on the Residency Ordinance and I don't know what the feeling is on this body but my sense was that we ought to think about appealing that and...but that would be my vote. I don't know that we need necessarily to have a vote on that but I don't know if this would be a good time to discuss it since we do have a time that we have to respond.

City Council Attorney Danks: If I may.

Councilman O'Daniel: Yes.

City Council Attorney Danks: In case you haven't heard, we lost.

President Adams: *(Off Mic)* Kind of.

City Council Attorney Danks: But on the...kind of on the Residency Ordinance the court did find certain things in the Council's favor such as it was not a violation of Separation of Powers doctrine. Boards and Commissions established by local ordinance, the Residency Ordinance is perfectly fine. Those established by State statute that do not address residency, the ordinance was fine. Those that are established, whether it's by ordinance or by statute but fall under the Indiana constitution, our ordinance was fine. So of the 56 boards and commissions it was valid as it pertained to 42. It was invalid, according to our local court, in 14 of those, but the court, I do agree with this part of the opinion...or decision, the court, they couldn't rewrite our ordinance to exclude those 14 so...Councilwoman Robinson is out of town, she had a death in the family and I wanted to discuss it with her. I know that the ordinance was supported by six of the nine Councilmembers. I anticipate being asked to redraft the ordinance. It will be identical but it'll pertain to those 42 boards and commissions, not the remaining 14.

And then the Council has the option of appealing the local court's decision concerning those 14. I would really appreciate having authorization to do that and it's for a couple of reasons. One is that it's...this ordinance was very important to at least six of the nine members. Not only did they feel as though the residents of the City of Evansville should be governed...governing the City of Evansville by serving on these Boards and Commissions, but also the consistency. We have been out of compliance. They City's been out of compliance with residency requirements, whether they're local requirements, constitutional requirements, or statutory requirements, for a long, long time and I don't know if the City's ever been in compliance with that. When this became an issue we were just simply attempting to ascertain what those requirements were and I know that the Clerk's Office spent a tremendous amount of time on it, my law firm did, Ted's law firm did, months went by and we were discovering...we were making changes.

The courts asked us to submit a stipulation as to what the requirements were for each of these boards and commissions and I think that was revised three or four times. It was revised the day of the oral argument but it's not an easy task, so the consistency is very important. If everyone knows that if it's appointment by this body or by the Administration, they have to be a resident of the City of Evansville, then we can sleep well at night knowing that all of our boards and commissions are legal.

But in addition to the residency aspect, this Home Rule statute, it's really...the court's decision really had nothing to do with the Council infringing upon the Administration's authority. The ruling was is that they felt as though it preempted by State statute so the battle was more between the local legislative body versus the General Assembly and when it's preempted, when it's not, and the Home Rule statute and I can tell the Council that this issue has not been addressed before by our appellate courts. You can't find any appellate court decisions that give a clear definition as to when this body can act and when it can't act based upon the preemption of the State statute. I know that in the 2½ years I've been representing the Council, that issue comes up frequently and I've had just numerous conversations and discussions with...primarily with Mr. Ziemer concerning certain ordinances or actions that either we or the Administration wants to take and whether we can do it and we really lack guidance from our courts.

So you don't have to make a decision tonight. You can...I have 30 days to file my Notice of Appeal and maybe think about it but I would very much appreciate the opportunity to appeal the decision. I had the...I can't emphasize enough how much I respect our local judges. I know 'em all personally. I know 'em professionally. I've practiced in front of them for over a quarter of a century now. They're top-notch but I think they flat got it wrong on that issue and I would like to appeal that issue. And a...but again, it's not a decision that the Cou...if you want to address it tonight, fine, but just to let you know, I have 30 days. In the interim I'll go ahead and draft a new ordinance that pertains to the 42 boards and commissions that we've been given a green light on.

Councilman Friend: Ah Mr. President, can I...Steve, can I ask you one question about these boards? That's what...coming up.

We enacted an ordinance that effective on April 1 we were going to have...have...general public could see the, and actually witness, the meetings themselves and do we know if it's been delayed and I'm just trying to find out when's the ETA when...

Councilman O'Daniel: *(Off Mic)* There's *(Inaudible)* cameras back there.

Chief of Staff Schaefer: Well the cameras...

Councilman Friend: Well I know but I mean when we going to start...I understand that but I mean when we going, for the public...

Chief of Staff Schaefer: Sure.

Councilman Friend:...be listening when we go live and how...how the folks can get to it.

Chief of Staff Schaefer: Yeah, I'm not sure. I know that you met with Mark Uhrin...

Councilman Friend: Yes, yes we did.

Chief of Staff Schaefer:...this week. I don't know if he had more information for you at that point but I'm waiting on Mark to get the greenlight of everything being installed and tested and then the next step on our part is to get all of the board administrators together and to have a, basically, a workshop to basically tell 'em, "Hey, this is what needs to happen on every single meeting, either in here or in the..."

Unidentified Speaker: *(Off Mic)* 307.

Chief of Staff Schaefer:..."307", so...

Councilman Friend: Okay.

Chief of Staff Schaefer:...so that everybody's on the same page and knows the right procedure and everything to get it on-line.

Councilman Friend: When you guys get there, just for the public...for a public announcement. Let everybody know how...

Speaking Simultaneously

Chief of Staff Schaefer: Yeah, definitely. I think they're...I think they're still waiting on some issues in the other room.

Councilman Friend: Okay.

Chief of Staff Schaefer: So...but...but as soon as...and Mark said...well, I'm just waiting for him to give me the greenlight.

President Adams: I'd like to thank you also. I understand there's a link now. I've seen it on the...on the City website where you can go look at who is on the various Boards and Commissions.

Chief of Staff Schaefer: Uh-hm.

President Adams: I would ask you, if it's possible, could you add a telephone number that each board and commission could be contacted by. It's really well done. I mean it's an extensive list of all the Boards and Commissions and it also has an alphabetical list of those people and what boards they're on too so it's very helpful but there is no number or email address.

Chief of Staff Schaefer: Yeah, we'll...we'll see if...

President Adams: You're almost there. It's almost perfect.

Chief of Staff Schaefer: And, you know, we can't take the credit. I mean that was the City Clerk and Mark Uhrin so...coming up with that.

Councilwoman Mosby: I do have a question. I've had some constituents asking me that when things like this go to litigation and when we do appeal, how much more money is that costing the tax payers when we do litigation and if this would be appealed.

City Council Attorney Danks: Ah, well I can tell you it is expensive and a ball-park...the appellate process, frankly, I think will less expensive than the lawsuit that we had to defend that was filed against the Council but at this point all the legal research has been done and most the legal drafting has been done in the way of briefs and that type of thing because the lower court required us to do that and so a guestimate, probably in the neighborhood of \$5,000 to \$7,000, something like that. It's not going to be a \$100,000 like we've heard about some other litigation, anything like that. Most of that work has been done.

Councilwoman Mosby: Thank you.

Councilwoman Brinkerhoff-Riley: One question: Do you know...I know you had mentioned at a prior meeting that we've consumed our Contractual Services. That

\$10,000 you had mentioned is probably owed to you. I didn't...I don't recall this but in our contract we had a number of litigation hours that kind of came with it and I don't...what was that number?

City Council Attorney Danks: My contract provides that I'll provide the first \$10,000 worth of litigation services at no charge and I think, and it's in the contract, it comes out to roughly sixty-something hours. I can tell you that I probably have about 150 hours into this case.

Councilwoman Brinkerhoff-Riley: Okay.

City Council Attorney Danks: Alright, so I have exceeded that plus the 10 plus something else and a...but, I'm not particularly concerned about that plus something else aspect of it.

Councilwoman Brinkerhoff-Riley: No, I mean...and I don't know that I see three full weeks. I mean I could see that going into the case. I just wondered where we were at...

City Council Attorney Danks: Sure.

Councilwoman Brinkerhoff-Riley:...because we'll have to direct a finance ordinance I guess to pay you that 10 grand.

Councilman O'Daniel: Yeah, we think that that's something that will at least have some sort of request from Administration and that'll be done.

Councilwoman Brinkerhoff-Riley: Yeah, I mean if we need to pay out of Contractual Services then we need to...

Councilman O'Daniel: I'm sure there's probably one to the Ziemer firm too so...

Councilwoman Brinkerhoff-Riley: No, no! I just want...just wanted to know because...and part of it is, you know, we were...we used to have a significant, significantly higher number for Contractual Services but we consistently didn't use it and so we reduced that down, I think, to show our willingness to reduce the budget and...

Councilman O'Daniel: Right, but we may have cut too much.

Councilwoman Brinkerhoff-Riley:...it's not a significant amount of money frankly, in terms of comparatively speaking to some other legis...other litigation that the City's engaged in. I just wanted to check.

Councilman O'Daniel: Sure.

Councilman Friend: Conor let me ask you something Conor, as the Finance Chair, and I know we got the budgets almost right on top of us before we know it. Have you had contact with the Administration on a spending plan?

Councilman O'Daniel: No.

Councilman Friend: You know we talked about that. None? So we...no...

Councilman O'Daniel: I think it was referenced that the spending plan will be the budget.

Councilman Friend: Okay.

President Adams: Any further discussion on this? I think this process that was started by Councilman Robinson has been a valuable one. I mean we've really come a long way over the months in terms of delineating who should be where, what's going on, and so forth and I think we're almost there. I personally am in favor of a going to the appellate level because I think the definitions are...are...will be sharp and complete but that's just my opinion.

Anyway, any other comment from anyone?

ADJOURNMENT

President Adams: Okay, we'll entertain a motion for adjournment.

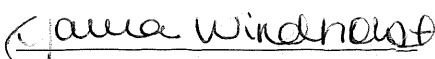
Councilman O'Daniel: So moved.


Councilman Friend: Second.

President Adams: Second? All those in favor? Thank you for coming tonight

Bang of gavel.

Meeting adjourned at 7:51 p.m.


Laura Windhorst, City Clerk


H. Dan Adams, President